

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:17-CV-96-FL

MAJOR WRIGHT,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

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ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge James E. Gates, regarding the parties’ cross-motions for judgment on the pleadings, and plaintiff’s motion to amend administrative record. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff’s motions are GRANTED, defendant’s motion is DENIED, and this matter is REMANDED to defendant pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings consistent with the M&R. The supplemental records shall be incorporated into the administrative transcript. In accordance with sentence six of § 405(g), “the Commissioner of Social Security shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm the Commissioner’s findings of fact or the Commissioner’s decision, or both, and

shall file with the court any such additional and modified findings of fact and decision, and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript of the additional record and testimony upon which the Commissioner's action in modifying or affirming was based." 42 U.S.C. § 405(g). The clerk shall close the case, without prejudice to reopening upon filing by the Commissioner of any such additional modified findings of fact and decision and transcript under sentence six of § 405(g).

SO ORDERED this the 29th day of August, 2018.



LOUISE W. FLANAGAN
United States District Judge